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and let live" is still strong. In all this, the people are being led by a popular President who is more than willing to lead in the direction in which they wish to be led. Suggestive in this connection is the author's warning note. "The English people in a thousand years' experience have found that their liberties were never so really in danger as when they knew it least, never so nearly lost as under the kings they liked best."

These representations deserve careful consideration. Indeed, the book as a whole is the most instructive study of the present constitutional situation in the United States which has yet appeared.

WILLS AND THE ADMINISTRATION OF THE ESTATES OF DECEASED PERSONS.  
By WILLIAM PATTERSON BORLAND. Kansas City, Mo.: Vernon Law Book Company. 1907. pp. xvi, 311.

Professor Borland, who is the Dean of the Kansas City School of Law, calls attention in his preface to the fact that this volume "is the revision and publication of a series of lectures \* \* \* which have been delivered yearly for the past twelve years to the senior class" of his school, and states that he has cited "all the decided cases on the law of wills in the states of Kansas and Missouri, as well as the leading cases in other states."

An examination of the Table of Cases shows to what a great extent the author has thus relied on the decisions of the courts of the two states of Missouri and Kansas. The total number of cases cited is 707, distributed as follows: Missouri and Kansas, 669; all other jurisdictions, 38. These 38 cases are distributed thus: U. S. Supreme Court, 13; U. S. Circuit Court of Appeals (a Missouri case), 1; England, 8; New York, 7; Massachusetts, 2; and one each from the states of Arkansas, California, Connecticut, Michigan, New Hampshire, North Carolina and Pennsylvania.

It appears also, that in dealing with the decisions of these other jurisdictions, the author has hardly shown the same thoroughness as in the case of the law of Missouri and Kansas. Thus in citing *Thorn v. de Breteuil*, 86 App. Div. (N. Y.) 405, no attention is called to the fact that on appeal to the Court of Appeals (179 N. Y. 64; June, 1904) the judgment below was modified in such a way as to deprive the statement of the opinion below, as cited by the author on p. 196, of any force as an authority on its own account, though the statement itself is in fact correct. This same case is cited again on p. 200 to support the statement that "Lord Thellusson's Act has been adopted in New York," a proposition which the case cited naturally does not justify. What the court says is, that the Thellusson Act "is the basis of our legislation." So the case of *Tilden v. Green* (1891), 130 N. Y. 29, is cited to support the proposition that "the English doctrine of *cy pres* does not exist in New York"; but no reference is made to the subsequent New York statutes, L. 1893, ch. 701, as amended, and Real Prop. L. sec. 93.

These points are mentioned, not at all to discredit the accuracy of the author within the particular field of Missouri and Kansas law to which he has avowedly devoted his chief attention, but merely to emphasize the fact that the work is hardly likely to prove of large practical value to the

lawyer or student in other jurisdictions. It does appear, however, that the courts of the two states named have had occasion to pass upon a large number of points in the law of wills, and that the author of this summary of their decisions is thus enabled to present a fairly complete outline of the more important principles in that field.

The book does not purport to contain any extended discussion of legal principles, and in view of the fact that it is addressed to the bench and bar, it is not primarily valuable in imparting to its prospective readers directly anything new in legal lore by way of citation or discussion of authorities. The cases cited in the notes are principally elementary, but of such cases a very good collection is there to be found. However, the book may not be said to be without value legally, because it clarifies the facts and the actual relations to which legal principles can then be intelligently applied.

"SHORT SALES" OF SECURITIES THROUGH A STOCKBROKER. By ELIOT NORTON. New York: The John McBride Co. 1907. pp. 71.

Mr. Norton, the author, a member of the New York bar, is a Harvard man, B. A. 1885, A. M. and L. L. B. 1888. He is a son of Charles Eliot Norton, L. L. D., L. H. D., Litt. D. and D. C. L., Professor of the History of Art at Harvard from 1874 to 1898, and since then Professor Emeritus.

The book is very small, containing only forty-nine pages of text and seventeen pages of notes. It does not touch upon the kindred subject of purchases on margin. Its object, as stated in the author's preface, is to make more clear the actual manner in which a "short sale" is conducted, because such sale "is the most complicated of all common commercial transactions." The author attains his object very clearly and concisely. He first describes stock exchange methods in general in a manner showing intimate knowledge. Then he takes up the so-called "sale" at its inception in the customer's order and follows each successive step until he concludes with the right of the various parties concerned to terminate the transaction and the actual manner in which it is closed.

Many elements of the "sale" are generally understood; for example, the right of the customer to have notice before being closed out. The statement of these portions, though necessary to a connected description of the whole venture, is somewhat trite. Such portions, however, are not frequent in comparison with those regarding which general knowledge is somewhat faulty; for example, the method by which the broker obtains for his customer—from another broker, or otherwise—the stock, which must be actually sold in order that the "short sale" be legal. The terms upon which such stock is held is another very hazy phase of the relation which is much clarified.

A SUPPLEMENT TO A TREATISE ON THE SYSTEM OF EVIDENCE IN TRIALS AT COMMON LAW. By JOHN HENRY WIGMORE. Boston: Little, Brown & Company. 1908. pp. xiii, 459.

This Supplement appears as the fifth volume of Professor Wigmore's monumental work on Evidence. Reviews of the separate volumes of the